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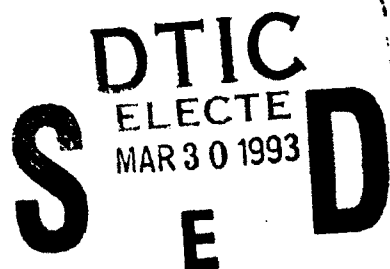
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**Ethics for National Security
Decisionmakers:
"It's Not Always Easy
To Do Well And Right"**

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U. S. Department of State

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ETHICS FOR NATIONAL SECURITY DECISIONMAKERS:
"IT IS NOT ALWAYS EASY TO DO WELL AND RIGHT"

by

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A sense of ethics and skill in ethical decisionmaking is important for all public officials but especially for those in the national security arena. Ordinary national security officials, both civilian and military, have enormous power to shape policy development and its implementation. This power frequently presents ethical dilemmas affecting the organization, mission, and national security. Many efforts are underway to foster an ethical climate within the national security agencies. Most are, however, directed toward the legalistic rule-oriented approach and some are simply punitive. Although such activities may help to keep some people out of trouble, they do not come to grips with the need for integrating ethical considerations into daily decisionmaking. Reforms will require ethics education throughout public officials' careers to help them think more imaginatively, see problems in new ways, acknowledge competing claims, and become comfortable with ethical issues. Leadership is a crucial factor for making this happen.

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ETHICS FOR NATIONAL SECURITY DECISIONMAKERS:
"IT IS NOT ALWAYS EASY TO DO WELL AND RIGHT"

INTRODUCTION

Throughout U.S. history, unethical practices by government officials have been with us. Unethical behavior by government officials undermines the public trust and confidence in our democratic form of government.² In a recent survey of public administrators about their perceptions of ethics in government, over 60 percent of those who responded agreed that society "suffers from a moral numbness following a decade of government scandals."³

Corrupt and unethical practices have occurred in almost every level of our government, from the highest government officials to some of the lowest. Many of the unethical practices have been carried out by national security officials. Some examples which come immediately to mind include: a President resigning because of unethical behavior; military enlisted men being found guilty of selling some of our most precious secrets to foreign powers, not for ideological reasons but for the money; Department of Defense civilian employees selling secrets to defense contractors; an Assistant Secretary of State allegedly not reporting as required known Israeli violations of defense trade controls to the Congress; and, a military officer serving in the Office of the National Security Advisor dealing in weapons.

Ethical dilemmas--particularly those involving national security decisions--have made their way into our popular literature. In his recent book The Sum of All Fears, Tom Clancy's hero, Jack Ryan, is faced with an order from his President to authenticate a nuclear strike that Ryan believes is unnecessary, unwise, and totally unethical. In many respects, the entire book deals with how senior national security officials confront and resolve ethical dilemmas.⁴ Another example appears in Stephen Coonts' book, The Minotaur. Coonts' hero, Jake Grafton, the Navy's Program

Manager for the fictional A-12, is pressured by powerful congressmen and their constituent contractors to make decisions about awarding a contract that he believes are unethical.⁵

Ordinary national security officials, both civilian and military, have significant power to shape both policy development and its implementation and, therefore, are frequently faced with ethical dilemmas. Bureaucrats have wide discretion in using the legal authority and resources in their government offices. Bureaucrats often shape both the policy goals and options through their knowledge and expertise and the information they choose to present. They also structure and control the environment in which the policy choices are implemented.⁶ The power which bureaucrats share with elected officials and the independence from the electorate which they enjoy can pose a serious problem for a democratic society.⁷ For both top government officials but officials as well as other levels in the bureaucracy--civilian and military--the small, everyday decisions present difficult ethical dilemmas which affect their organizations, their subordinates and the missions to be accomplished.

These points are applicable to any group of government officials, but are particularly crucial in the national security arena because the stakes are higher than elsewhere. If a Department of Housing and Urban Development (HUD) employee acts unethically in awarding a grant for housing, some taxpayers' money will be lost, people who needed housing won't get it, and the government gets another black eye. A miserable situation to be sure and not one to be excused. However, when a disgruntled enlisted man sells the Navy's codes to an enemy foreign power, the consequences can be much, much greater for many more people. Not to exaggerate, but it is a fact that unethical decisions in the national security arena can endanger not only the survival of our country but the survival of our planet.

Perhaps Senator Paul Douglas put it best 40 years ago when he said that:

"... our government is now so huge and affects our lives so directly that we cannot be content with merely a moderately decent level of behavior on the part of our public officials. For even a small percentage of misbehavior on the part of these officials can do a vast amount of harm. What could be tolerated when government was small cannot be endured when government is big. For its consequences, if not its causes, can be relatively worse.⁸

The questions on which this paper focuses are:

What do we mean by ethics and ethical dilemmas, and why are "ethics programs" so important for national security decisionmakers?

Are there extraordinary pressures in the decision-making environment for national security officials?

What efforts are underway in national security agencies to increase the decisionmakers' awareness of ethics and equip officials with tools to identify and analyze values and resolve dilemmas?

What is needed to train for and institutionalize ethical decisionmaking approaches?

As part of the research to determine specific efforts taken by selected agencies, ethics and training programs were surveyed in the Office of Government Ethics (OGE), the Department of Defense Office of Secretary of Defense (DOD/OSD), the Central Intelligence Agency (CIA), the National Security Agency (NSA), the National Defense University (NDU) and the Department of State.⁹

WHAT IS ETHICS AND WHY IS IT SO IMPORTANT?

Webster's Dictionary defines ethics as the "study of standards of conduct and moral judgment."¹⁰ While this seems simple enough, this terse definition has two distinct elements present: (1) standards of conduct and (2) moral judgment. These two elements of ethics are present in most writers' definitions and are important to our analysis.

Carol Lewis in her recent book, The Ethics Challenge in Public Service, offers a more complex definition and relates the definition to government and public service. She says that "...ethics involves thinking systematically about morals and conduct and making judgments about right and wrong.... Government is ethics institutionalized for pursuing the public good."¹¹

An even more complex definition comes from a handbook prepared for the Internal Revenue Service's ethics program by the Josephson Institute of Ethics. "Ethics refers to standards of conduct which indicate how one should behave, based on moral duties and obligations. There are two aspects to ethics: the first involves the ability to discern right from wrong, good from evil, and propriety from impropriety; the second involves the commitment to do what is right, good, and proper. The terms ethics and morality are essentially interchangeable." ¹²

Most ethical dilemmas arise from the tensions created by different conceptions of the good--the tugging is between two or more incompatible goods, not necessarily between perceptions of good and evil.¹³ In recognizing the challenges of applying ethics to our work-day worlds, Lewis said "... most public managers work to make a difference. The difficulty with working for the best is knowing what it is and doing it, which is what ethics is all about."¹⁴

Most dilemmas arise in a variety of circumstances which can be categorized in one of three ways:

- situations where the moral issue is perfectly clear and the official acts immorally due to a lack of will or with willful intention,
- ambiguity or uncertainty as to whether the moral rules apply to the act under consideration, and
- moral dilemmas or decisions where the rules that govern a particular action conflict.¹⁵

Analyzing these definitions and the writers' explanations of them leads to some conclusions. Ethics is about behavior or conduct, it is not a passive state just to think about. It deals with seeking out what is right and what is wrong and behaving accordingly. It deals with decisionmaking and thus, with choices. Josephson says, for example, that ethics is not a factor for consideration in decision making, it is a ground rule.¹⁶ And the definitions suggest two "levels" of ethics: one being conformance to standards of conduct and another "higher level" relating more to conforming to moral standards and moral judgment.

These definitions and the analysis of them lead to a critical point about ethics and approaches to teaching ethics as discussed later in this paper. That point is described by Rohr in his book, Ethics for Bureaucrats, as the "low road" which emphasizes adherence to formal rules and the "high road" which stresses social equity. He noted that, unfortunately, the "low road" is the approach usually used in dealing with ethics for career civil servants.¹⁷ A recent paper presented at the Joint Services Conference on Professional Ethics (JSCOPE) noted that ethics in the armed forces has been generally limited to iteration of and conformance to standards of conduct, or the legalistic approach to ethics. Such concentration on conformance to standards breeds the "if it's legal it's ethical" mentality. However, following the law or

standard does not necessarily make one ethical as we know from numerous historical examples.¹⁸

The survey of ethics activities and training by national security agencies discussed later in this paper confirm that for the most part, the "low road" or legalistic approach seems to be the primary one taken for the military as well as for other national security agencies.

Why Ethics Is Important

Several scholars of public administration have emphasized the importance of ethical behavior of public officials and the adverse affect that unethical behavior can have on the citizens. Bowman discusses the significant role that government plays in promoting obligation and respect in our society and emphasizes that it is crucial to our democracy that government officials protect citizens' interests.¹⁹ Lewis notes that public service ethics is different from ethics in the private sector because democracy rests on public trust, a link which is forged by stringent ethical standards.²⁰ Due to (1) the expectations placed on public officials by our society, (2) the power that such officials possess to affect policy and its implementation and (3) the consequences of unethical actions, ethics for national security decisionmakers is vital. Ethics--or the lack of it--affects public officials' behavior, the decisions they make and, in turn, the effectiveness of the national security organizations and the well-being of our country.

Expectations for public officials

Society's expectations of its public servants have grown over the years as our government has become more complex and more intrusive into every citizen's life. For example, public servants are expected to behave competently, efficiently, honestly, and at the same time responsively, fairly, and accountably with no guidance

as to the relative priority of these sometimes conflicting requirements.²¹ The National Commission on Public Service concluded its 1989 report with the words: "If government is to be both responsive to the people's will and capable of meeting the challenges of the twenty-first century, it must have a public service of talent, of commitment, of dedication to the highest ethical standards."²²

Lewis perhaps best summed up our citizens' expectations for ethical behavior of public officials when she said: "Ethics in public service is a perpetual responsibility to implement and comply with the law, to serve the public interest, to avoid doing harm, to hold the future in stewardship, and to accommodate clashing definitions of what is right and important in public life."²³ Clearly, the expectations for ethical behavior in public service are high and unequivocal.

Power to Affect Policy

Civilian and military officials have significant power to influence both policy development and implementation. They play a critical role in the realm of values in that they set and administer the processes by which policy disputes are raised, argued, heard and settled in the decisionmaking process.²⁴ In many cases, bureaucrats can and do decide what policy options are considered and what information is brought to the attention of policy-makers for deciding what policy will be. Opportunities for unethical behavior exist simply in choosing how information will be presented to policy makers. Public officials have a great deal of discretion in policy formulation by creating the perception of a problem, employing personal contacts to influence legislation, and convincing parties outside of government of the merits of a particular policy choice.²⁵

Public officials also play a powerful role in policy implementation. They are often the principal implementers of public policy and usually less subject to public accountability than elected officials. On the positive side they can influence the

speed, directions, priorities, methods and other aspects of execution or on the negative side they can work to stop, delay or subvert implementation.²⁶ The power of non-elected or appointed public officials to affect the course of government is substantial. They choose and balance values whenever they propose policy, interpret statutes, implement or evaluate policies.²⁷

Consequences of Unethical Behavior

Unethical behavior by public officials damages the individual's organization, contributes to an already negative perception of our government held by many citizens and, in the national security arena, can in fact damage our entire nation's security. Is it likely today that HUD is a respected organization, either within or outside of government? However unfair it may be to the many ethical and capable HUD employees, the corrupt and unethical behavior of a relatively few individuals has cast a shadow over the entire agency.

Numerous surveys show that many of our citizens view their government with contempt, believing it to be unresponsive and in many ways corrupt. Each example of unethical behavior strengthens that negative view. And, in the national security arena, unethical behavior can result not only in wasted or stolen resources, but as illustrated by the fate of the real A-12 aircraft development program can diminish our ability to meet security needs. This program was shrouded in secrecy preventing financial oversight of potential cost overruns which were not communicated to top decisionmakers. When the information on development program problems became known, the program was canceled resulting in a needed capability not being met.

EXTRAORDINARY PRESSURES FOR DECISIONMAKERS IN THE NATIONAL SECURITY ENVIRONMENT

Few people set out to make unethical choices consciously. But the day-to-day pressures of work and organizational needs force bureaucrats to make decisions without giving much thought to ethical consequences. Compromise and expediency are essential for successful public officials to meet policy goals.²⁸ The national security agencies share with all other federal agencies certain characteristics in the work environment that affect decisionmaking and limit consideration of the values at stake. These include some degree of secrecy; politics, meaning largely funding concerns; ambiguity in policy choices; technical complexity; and bureaucratic pressure. However, some of these characteristics are more pervasive and of greater intensity in the national security environment.

Secrecy

A great deal of the critical work in the national security arena is done--or is intended to be done--in secrecy. Setting aside the argument that much is classified under the cloak of national security that need not be, most would agree that a degree of secrecy is needed by the federal government in general and by its national security agencies, in particular, to do its work. The most obvious reason is to prevent the enemy from learning secrets that would endanger our country's national security interest. Another reason, more generally applicable, but particularly relevant to national security matters, is the need for secrecy to protect the process of national security policy development. The processes of deliberation--planning, reasoning, considering options and making choices--are hampered if fully exposed from the outset. If policy makers and their advisors have to debate every issue openly, they may consider only safe and uncontroversial views, thus ignoring creative alternatives. When this happens, it can lead to choosing hasty or inadequate positions.²⁹

However, secrecy can be used to conceal officials from criticism and interferences, can allow mistakes to be corrected before coming to light, and can permit reversals of policy without public embarrassment. Such secrecy has a tendency to spread and increases the chances for abuse, especially when officials have a strong sense of mission.³⁰ Finally, secrets have economic value and thus create temptation for some to sell them.

Politics

Politics is present in every area of government activity--politics is in many ways what government is about. And the old saying that "money is the mother's milk of politics" is certainly true in the national security arena, and money and who gets it is intensely fought over. Politics can contribute to unethical behavior in several ways that particularly affect national security issues. Some examples are highlighted below:

- Perfectly legitimate differences among our politicians about how much national security we need. That is, how much Army, Navy, Air Force, Marine Corps, CIA, State Department, etc. should we buy?

- Not so legitimate--in terms of the national interest--differences about what should be bought and where--that is, in which state or congressional district.

- Enormous financial implications of individual decisions--which base to close or which weapon system to buy.

All of these situations tend to put tremendous pressure on people in the national security agencies. Such pressures can prevent consideration of a complete range of values, all of which have pluses and minuses for the well-being of the country and the multitudes of stakeholders, from consideration and may prompt an unethical decision.

Ambiguity

It is easy to make ethical decisions when the facts are clear, but a quite different task when the situation is ambiguous, information is incomplete, and there are multiple points of view and conflicting responsibilities.³¹ Nevertheless, decisions must be made, often quickly in a gray marginal area where rules and regulation are of little help and the circumstances are ambiguous and complex.³²

National security decisionmakers often must interpret the intent of ambiguous and sometimes contradictory laws; they are frequently faced with conflict in role, authority and interest. These situations involve difficult and sometimes unresolvable dilemmas.³³ Additionally, many of the most critical decisions and thousands of less critical ones in the national security agencies are made based on what the threat is to our national security interests or how we may expect a country to conduct diplomatic negotiations. Although we expend billions of dollars in trying to determine and define that threat and provide sufficient intelligence, we are never certain what the threat is because it rests in the minds of other people in other countries. And, going about determining, and defining that threat is itself perhaps the most ambiguous task of all.

Technical Complexity

Simply put, the technical complexity of many national security decisions is so great that agency policy makers, top administration officials and Congress are unable to comprehend them. Thus those who have the technical expertise are presented with opportunities to skew decisions in inappropriate ways.

Dr. Edward Teller's effort to "sell" the Strategic Defense Initiative to President Reagan may well illustrate the point. I will leave to others to judge whether Teller's actions were unethical, but quite clearly President Reagan did not possess the technical knowledge to adequately assess Teller's arguments.³⁴

Bureaucratic Pressures

The same bureaucratic pressures are present for civilian and military officials in the national security agencies as exist in all federal agencies. Leaders sometimes leave things unsaid or give the impression that they don't want to hear bad news. They can distance themselves to keep their hands clean.³⁵ But, at least two unique characteristics occur in the national security agencies which may create unusual stresses and contribute to ethical problems. These characteristics are:

--The intense pressure on military officers to get promoted within specified time periods in their normal 20 year careers, and the same pressure on foreign service officers in the up or out environment of the State Department. This situation will likely get worse in the near future as performance and promotion begin to determine whether an officer even stays in the military.

--The get-the-job done at-any-cost approach. To some degree this is an admirable quality--not limited to military officers, by the way--so long as the 'at any cost' part is not taken completely literally. However, when it is, ethical concerns may be ignored that otherwise would have received attention.

To sum up, it is quite common for task-oriented employees to conclude, without critical value analysis, that their purpose is necessary, that their goal is vital and that failure to accomplish the job would be disastrous.³⁶ Too often getting the job done by maintaining secrecy, succumbing to political pressures, and giving the boss what he wants leads to decisions which are not based on any ethical considerations. Certainly the pressures in the decisionmaking environment for national security decisionmakers are extraordinary.

WHAT'S BEING DONE TO FOSTER ETHICAL
DECISIONMAKING IN THE NATIONAL SECURITY ARENA?

Government-wide

Numerous government-wide actions have been taken to keep employees out of trouble or limit their actions. More than 57 laws and regulations govern conflict of interest rules, outside activities and income, honoraria, post employment restrictions, gift acceptance, proper use of government assets and information and misuse of government position for private gain.³⁷ Numerous regulations and executive orders exist to prescribe codes of ethics for government officials, ensure control over procurement officials' actions, and protect whistleblowers. Additionally, controls over employees' misconduct have been established through monitoring and oversight by offices such as Inspectors General and Designated Agency Ethics Officers (DAEOs) and by congressional oversight committees, the Merit Systems Protection Board, and the Office of the Special Counsel.³⁸

Further, the Office of Government Ethics (OGE) was established by law in the Executive Branch to provide "overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency."³⁹ The OGE has the responsibility to develop and issue rules and regulations pertaining to employee conflicts of interest, post-employment restrictions, standards of ethical conduct, and public and confidential financial disclosures statements. OGE reviews public financial disclosure statements, provides ethics training on applicable laws and regulations, issues formal advisory opinions and monitors and reviews executive agency ethics programs.⁴⁰ Each agency has a DAEO to oversee the agency ethics program. OGE works with the more than 100 DAEOs--90 percent of whom are located in agencies' Offices of General Counsel. OGE is currently preparing to issue over 100 pages of revised regulations on prohibited activities and requirements for Federal employees.⁴¹

The statutory focus for OGE defines ethics very narrowly--what Rohr would call the "low road", i.e., adherence to rules and regulations. Therefore, the information and training provided by OGE is focused on "how to keep out of trouble", which is also the name of OGE's guide for federal employees.⁴² Given the "legalistic" focus and the very low funding level for OGE, it does not have an aggressive training effort on ethics for executive-branch leadership. Rather, OGE relies on agency DAEOs and other offices within agencies to provide training on standards of conduct for their employees.⁴³

Other offices with oversight responsibilities, such as the Inspectors General, also focus primarily on identifying violations of the standards of conduct and punishing employees for such violations--the "low road" approach.

In addition to these government-wide activities, the national security agencies have several different information and training approaches to assisting employees in resolving potential and actual ethical dilemmas. These include the DAEOs mentioned above, legal counsel offices, ombudsmen, ethics handbooks, ethics councils, and training and education activities.⁴⁴

Examples of key information and training approaches which these agencies use are discussed below.⁴⁵

Department of Defense⁴⁶

The OSD DAEO is in the Standards of Conduct Office and is responsible for providing information on the statutes and regulations governing employee conduct. Each employee who enters and exits employment is provided this information. Additionally the Deputy DAEO has a three hour presentation, two hours on the do's and don't's and one hour on ethical decisionmaking which she presents when requested by any OSD office. She noted, however, that there is rarely time provided

for the decisionmaking portion of the presentation which contains ethical dilemma case studies presenting ethical dilemmas each employee is likely to face.⁴⁷

The Under Secretary of Defense for Acquisitions works with the **Defense Ethics Council**, made up of the Undersecretary and the Secretaries of the military Departments. The Council, as part of its program, prepared a five page guide on acquisition personnel's ethical responsibilities and basic ethical principles, which the Undersecretary issued. The guide emphasizes "the importance of basic ethical values --integrity, honesty, and fairness--that each of us should apply in all our daily relationships."⁴⁸ There are plans to revise all mandatory acquisition courses to include instruction on the Acquisition Ethics Program and the role of commanders and supervisors as ethical leaders.⁴⁹

The Senior Service schools, such as the **National Defense University** and the **Army War College** have elective courses which address ethical values and decisionmaking. The Army War College has issued a text on ethics case studies of ethical dilemmas personally experienced by former Army War College students in previous assignments. The case studies, which include topics on moral challenges of leadership, abuse of authority, preferential treatment, careerism, false reporting, and efficiency reporting could be an excellent teaching tool for use in ethical decisionmaking.⁵⁰

The Defense Intelligence College is moving to expand its compliance oriented ethics approach. A course has recently been developed that will address the ethical implications of the intelligence environment and how "to resolve ethically the dilemmas faced by intelligence professionals." The course incorporates real-life examples of issues confronting the intelligence professional in the form of case studies and will be a required course in the undergraduate program and an elective in the graduate program. The Commandant wants to expand the curriculum to integrate ethical considerations into all courses.⁵¹

The **National Security Agency** has developed with the Carnegie Mellon University's Center for the Advancement of Applied Ethics an "Ethics and the Executive" course for their senior managers and executives. The course addresses ethical decisionmaking principles and provides case studies on several work situations such as confidentiality issues, abuse of executive powers, and whistleblowing.⁵²

Central Intelligence Agency

The CIA training in professional ethics is comprised of three major elements. First is the required OGE training for all employees; second, special ethical dilemmas posed by the intelligence profession are included in development courses which span the careers of employees; and third, specialized training for various occupational groups that includes case studies developed by the Kennedy School of Government at Harvard are used. Case officers also receive special training in ethical issues using classified case studies and practical exercises. The CIA also gives attention to the adherence to standards of conduct in its evaluation of personnel.⁵³

State Department

Entry level courses include a session on standards of conduct and rules on do's and don'ts. These are usually provided by the DAEO and/or IG representative. Additionally the foreign service mid-level and senior-level courses have "rules and regulations" and "how to stay out of trouble" sessions as well, with the DAEO and the IG participating. Case studies on ethical dilemmas for which employees are likely to make decisions are provided in several mid- and senior-level courses: the consular officer course has numerous 'real life' problems for resolution, the political officer's course includes a session on honest and ethical reporting, and the general services officer's course also presents ethical problems for decisions. For the most part, the civil service employees' courses are directed to standards of conduct and the rules and regulations. The Dean of Professional Studies said he does not believe the best

approach is a specific course in ethics; rather, he has endeavored to get ethical case studies and dilemmas integrated into all levels of career development courses. The consular officer course seems to meet his objectives. Unfortunately the Deputy Chief of Mission, Ambassadorial and Senior Seminar courses do not go beyond the do's and don't's.⁵⁴

Other Training And Information Efforts

The **Federal Executive Institute (FEI)**, as part of its four-week residential executive development program for GM 15s and Senior Executive Service members, includes discussions of values and ethics with emphasis on the constitutional framework. FEI also offers an optional one-week course on ethics/values in the public service during the four-week program.⁵⁵

The consensus of trainers in the ethics field and key writers on public service ethics is that **case studies** are thought to be one of the most effective tools for increasing ethical sensitivity and awareness in daily decisionmaking dilemmas. Numerous case studies have been developed that address national security and international affairs issues by various universities and ethics centers. For example, the Carnegie Council on Ethics and International Affairs has published 10 case studies.⁵⁶ The Kennedy School of Government at Harvard has also published numerous case studies on intelligence and policy issues.⁵⁷

Several **formal and informal groups** have been established to address ethics training, exchange information on training efforts, and look for help and support for their agencies' programs. Three examples include JSCOPE, the Ethics Roundtable and the DAEO support group.

The **JSCOPE**, which is Department of Defense oriented held its 14th conference on January 30 and 31, 1992. The theme of the conference was "Teaching the Teachers

of Ethics". Most of the papers presented grappled with the questions: what should be taught, who should teach it, who should be taught, and how awareness could be improved for ethical sensitivity and decisionmaking.

The **Ethics Roundtable** is an informal group, led by James A. Barry of the CIA. It is a group of government executives who share an interest in improving the training in professional ethics, particularly in the national security environment. Members are from DOD, State, Justice, CIA, FBI, Defense Intelligence College, FEI, OGE and USDA Graduate School. It provides a forum for facilitating discussions among officials, academic specialists and others who are interested in ethics and public service. At a Roundtable Workshop held on November 1, 1991, there was a common plea from the participants for information on training approaches, methodologies and case studies which others might be using in their training efforts. There was also a recognition of a great need to go beyond the 'rule' training and address ethical decisionmaking.

The **DAEO support group** is comprised of a number of DAEO representatives from several government agencies including DOD, Interior, Transportation, FDA, and FDIC. They meet monthly to discuss issues and exchange information on training efforts and requirements of their offices.⁵⁸

Summary

Activities in training and information regarding the OGE requirements and standards of conduct are extensive and for the most part are the major focus for training efforts in ethics. Some quality training has been developed for ethical decisionmaking in some elements of the national security agencies' training programs. Certainly the formal and informal groups which have sprung up indicate that there is an interest and, in some cases, a cry for help on the part of government officials who have responsibilities in the ethics training area.

The overall approach to training for ethical decisionmaking by the national security agencies, however, is "low road" oriented with emphasis on adherence to rules and regulations. It is snotty, at best, in ensuring that career bureaucrats receive ethical decisionmaking training throughout their career. The overall efforts of the DAEO and the training offices are not fully coordinated and when coordination takes place, it is a personal rather than an institutional approach. While some career development courses, such as those at the CIA and State, are presenting opportunities for ethical decisionmaking approaches to be exercised, again, it is not part of any systematic approach. Officials responsible for training programs, for the most part recognize how much needs to be done, and what quality training would entail; however, they have yet to implement the types of training programs needed--that is courses throughout employees' careers which include ethical decisionmaking components. Further the training is rarely, if at all, complemented or reinforced by other activities in the Department.

WHAT SHOULD BE DONE

Over 50 specific standards for employee behavior have been legislated or regulated and Codes of Ethics have been promulgated, Inspectors General are in place to enforce behavioral standards, all agencies have hotlines for reporting wrongdoing, and an OGE was created to coordinate efforts to promote ethical behavior and assist the departments and agencies to provide employees with training.⁵⁹ Yet, scandals continue to occur frequently. Thus, the problem of corruption and unethical behavior is not likely to be met with more laws, devices, codes of conduct, organizational reforms, etc. Reform will require more.⁶⁰

Instead of seeing ethics as a set of rules or punishments or even as a code of ethics, perhaps we need to define ethics as the process of deciding what should be done.⁶¹ We need to study ethics with a view toward increasing sensitivity to ethical problems, encouraging critical evaluation of value priorities, increasing awareness toward

organizational AND societal realities, and improving understanding of the importance of the government's public image and its relationship with our security.⁶² Ethics education can help people to think more imaginatively, see problems in new ways, acknowledge competing claims, and even become more comfortable with ethical issues.⁶³

Government managers need knowledge about what cannot be done, but they especially need knowledge about how to achieve positive, proactive ethical behavior.⁶⁴ The present approach by OGE and national security agencies' training, oversight and information programs of reducing ethical behavior to what is needed to stay out of trouble--the "low road" approach--is a largely coercive, punitive, and even threatening route which urges obedience to minimum standards and legal prohibitions.⁶⁵ At the other end of the spectrum, the "high road" of ethics approach, is "ethics in the raw" where managers reflect, decide and act based on their individual values and ethics. By definition, however, this route is noninstitutional and probably not acceptable for our form of government. For a better and more realistic ethics education approach we need to select from each road and merge them toward a path of traditional societal norms. What we need to seek is a point where managers, in reality, operate--a road in between legitimate but competing values, principles and responsibilities. Lewis calls this road the "fusion" route.⁶⁶

General Cunningham, Commandant of the Defense Intelligence College, has presented a similar view regarding the route we should strive for government managers to take versus the route that government employees frequently move to in organizations. He describes the world of ethics as existing in three zones: the lowest zone is the zone of illegal actions; the second zone is traditional societal norms, with a boundary line of legality separating the two zones; and, the third or highest zone is a limitless one of virtue.⁶⁷

His belief is that all employees begin with the traditional societal norm for ethical conduct, above the legality boundary. Over time, through struggling with ethical dilemmas and making decisions brought about by organizational culture and pressures and the desire to get the job done and achieve personal success, employees move downward to the line of legality and sometimes may move down into the zone of illegality. Due to the real or perceived threat of sanctions, employees will move back up to the line of legality, teetering along that line throughout their careers. They seldom move far from the "keep it legal" approach, even though their personal values may remain above that level within the traditional societal norm zone. General Cunningham says that we must move people above the line-of-legality practice in their decisionmaking on the job. To do so requires more than equipping employees with rules, prohibitions, and standards of conduct. It also requires more than oversight activities to 'catch' the illegal actions.⁶⁸

To move federal managers' ethics above the legality line and provide them with the knowledge and tools to achieve the goal of positive ethical behavior--the fusion route--agencies' ethics programs need to be confronted on several fronts: organizational culture, leadership and training. Also, as part of training, decisionmaking models which incorporate ethical considerations should be used to assist managers in decisionmaking.

Organizational Culture

Although American individualism encourages emphasis on personal conscience, and the "high road" of raw ethics is based on individual integrity and decisions, organizations exert a major measure of social control. This is consistent with General Cunningham's point about moving to the line of legality. This institutional foundation for professional conduct is beneficial because many government decisions must supersede personal preferences. The organizational culture needs to provide a sense

that ethical concerns are important and that it is safe to consider and discuss them. Ethical standards must be part of the culture and taken seriously.⁶⁹

It is important for beacons to be present in the organizational culture to "define the problem, steer the debate, and guide the selection of alternatives" so that the final decision is consistent with the overall mission.⁷⁰ Beacons can be provided from the first day of employment with the administration of the oath. If the oath were administered with emphasis and by top managers (rather than the routine large group mutterance to a clerk reading the lines), then employees could begin employment with a sense of commitment implied by the underlying moral principles, virtues and values of the constitution.⁷¹

Leadership

The way that leaders exercise ethical judgment is universally acknowledged to be more influential than written policies or codes.⁷² Employees gauge what is expected of them by the examples which managers set in daily operations. The leader or supervisor serves as the role model and the socializing agent for an organization. The supervisor, from the day an employee begins work, indoctrinates the employee to the norms, work routines, and 'the way things are done around here'. The supervisor is the moral advisor in that he or she interprets standards for performance and the operational code of ethics.⁷³

Leaders need to emphasize positive standards and take an affirmative approach to the management of ethics.⁷⁴ Leaders have an inherent responsibility to establish positive ethics and provide guidelines for what employees should do.⁷⁵ Fulfilling this responsibility is critical if employees are to be moved to the realm of decisionmaking which considers competing values and the needs of stakeholders--not just what is legal.

Training

Training is the key element in making sure that from the first day of employment all employees know and understand the organization's ethical stance, the special requirements for public service, and the obligations which are inherent in promoting public trust.⁷⁶ Although millions of dollars are spent each year on a wide range of training, little is done to provide employees with tools to face the range of ethical dilemmas which they will encounter each day.

Employees cannot be trained to be ethical, but they can be educated to recognize the ethical dimensions of the problems and issues which they will be required to resolve.⁷⁷ Such training requires extensive effort. For the training to be useful it must be supported by top management and tailored to the organization's culture, its functions, its laws, and to the individuals who receive the training.⁷⁸ Ethics initiatives should be pervasive throughout the organization and taught in every course or block of instruction for decisionmakers.⁷⁹ Training can take many forms from the moment of orientation and oath taking until retirement counseling, including providing periodic refresher training throughout employees' careers. Training can involve discussion groups, regular communications from supervisors, or formal classes and conferences.⁸⁰

Well designed training programs are needed to sensitize employees to the accepted standard for ethical behavior and provide them with experience-based, pragmatic examples of pitfalls to avoid. Use of ethical dilemma case studies is thought to be one of the most useful approaches to help make issues explicit when the studies are tailored to the employees' work environment and daily problems. Such an approach makes ethics less an application of abstract principles, and more a relationship with other people who share similar values.⁸¹ Also, as General Cunningham noted, this helps to reinforce an ethical culture which promotes ethics above the legality line.⁸²

Decisionmaking models

Because (1) ethics should be incorporated into any course of instruction dealing with decisionmaking on the part of the employees and (2) the aim of ethics initiatives is to provide employees with the tools needed to identify ethical dilemmas and to work to resolve them, structured approaches to ethical decisionmaking need to be included in training efforts.

When employees are called on to make difficult ethical decisions on the job, they are likely to be faced with a no-win situation: "two or more values are affected by the decision; a comparison between the values is inevitable, such that a greater return to one can be obtained only at a loss to the other; and anticipated consequences can be predicted in terms of only probabilities rather than certainties." Exacerbating the complexity of the problem is that the power to make the decision is likely to be dispersed between many people and offices.⁸³

Ethical decisions require three qualities which employees can develop. First is the competence to recognize the ethical issues and to think through the consequences of alternative options. Second is the self-confidence to seek out different points of view and then to decide what is right at a given time and place. Third is a tough-mindedness and willingness to make decisions when all that needs to be known cannot be known.⁸⁴

The best problem-solving method is the one that the decision maker uses. Many models have been developed for ethical decisionmaking. For example, Carol Lewis developed a checklist from three models previously developed by others such as Dan Rice and Craig Dreilenger,⁸⁵ the Josephson Institute has developed a model,⁸⁶ and Dr. John Johns presents a model as part of an ethics course (Advanced Studies 244) at NDU. The following chart presents a distillation of all the essential elements of these models which can be used as a checklist or model for ethical decisionmaking.

DECISIONMAKING MODEL
1. Recognize and define the ethical dilemma.
2. Specify the facts and assumptions of the situation.
3. Define desired outcome and real goal to be achieved.
4. Identify the constituencies and interests (stakeholders) which are involved.
5. Clarify the value issues and prioritize the principles at stake.
6. Formulate options to resolve the problem. Provide reasons and justifications for them.
7. Identify potential consequences of options and obstacles to resolving them.
8. Select a course of action.
9. Determine the steps to implement and sell the solution.

CONCLUSIONS

A sense of ethics and skill in ethical decisionmaking is important to individuals in all walks of life, but especially so for those of us who work in the national security arena. The decisions we must make, both large and small, are often difficult ones, and the effect they have on our agencies, our country, and ourselves is frequently significant. We need guidance and continuing ethical training--and organizational support and leadership--to assist us in making good decisions that will contribute to ensuring our nation's security and the well-being of our citizens. As Dan Rather put it in a March 1992 speech at the National Press Club, "It is not always easy to do well and right."⁴⁷

There are many efforts currently underway, some of which have existed for years, intended to create an ethical climate throughout the federal government and within the national security agencies. Most are, however, directed toward the legalistic, rule-oriented approach; heavy on the "thou shalt nots" and light on teaching the principles

of ethical decisionmaking. Some are simply punitive or adjudicatory boards which operate after the deed is done. Many of these activities are useful and likely aid in keeping some people out of trouble, but they fail to come to grips with the key concept of integrating ethical considerations into daily decisionmaking. The incoherent and frequently passive philosophy found in many agencies is not likely to support, nurture or assist employees trying to resolve ethical dilemmas in a responsible manner. In James Bowman's recent survey of public administrators, one respondent noted: "Ethics is usually the last thought in an agency--it should be an integral part of all decisions."⁸⁸

What can be done to create a better climate for ethical decisionmaking by providing national security agency officials with the skills they need to get beyond the legalistic approach? To a considerable extent, the framework to provide the kind of education and training that is needed already exists. Each of the national security agencies has extensive career development programs into which ethical decisionmaking training could be readily incorporated. And, such training can also be incorporated into 'ethical' rule-oriented training programs as well. Further, there are several informal ad-hoc groups operating somewhat outside the formal institutions, but with strong ties to the national security agencies, which have much to offer if the institutional frameworks were to become receptive to drawing on their resources. And, well-qualified organizations with extensive experience in teaching ethical decisionmaking skills are available from outside the government.

Because the institutional framework exists and considerable resources are already expended on various "ethical" training activities, it seems likely that very limited additional resources would be required to bring about the integration of ethical decisionmaking training into existing programs. What would be required is probably much harder to get, however.

First, and most importantly, the need for a broader and more comprehensive approach would have to be recognized and accepted by leaders in the national security agencies. Then, these leaders would have to make the commitment to draw on resources available to begin taking the steps necessary to restructure the training programs within their agencies along the lines discussed in this paper. One of the wonderful characteristics of national security agencies is their competitiveness. If one agency begins something, perceived as good, others tend to want it too. So that element would work to eventually spread the work throughout the community.

Should these elements come together in such a way that positive ethical training begins to be provided, the hard part begins. Then the agencies' leadership must, largely by the examples they set, go about affecting their organizational cultures in such a way that it is clear to all employees that ethical concerns are important and that they should become an integral part of daily life and decisionmaking. If the leadership commitment to training and to ethical behavior is sustained over a period of time, the reality of an ethical culture in which ethical principles are understood and routinely applied in conducting the agencies' business may emerge. As it always is, leadership is the most crucial factor in making this happen. All the training in the world, no matter how skilled the trainers, or how receptive the students, will not produce any lasting organizational results unless the leadership sets an ethical example that is above General Cunningham's legalistic line.

But there are steps which we as managers can take individually. We can model the kinds of behavior we expect from our employees. Nothing can be more powerful than managers living their stated values and standards, nor more devastating than a manager who "cheats" the system. Managers can promote discussion of ethical issues in their immediate workgroups and ensure that goals set for the workgroups do not conflict with the ethical values they espouse. When such steps are taken, pockets of 'critical mass' for pervasive considerations of value analyses can begin to occur--and

who knows, if enough pockets come together, an implosion could promote an organizational culture which nurtures ethical decisionmaking.

The faults we see in government are all too often a reflection of our own moral weaknesses and failures. In the end ethical decisionmaking is a matter of our personal conduct and values. In our hearts we want to possess the kinds of qualities which are "inherent in such words as honesty, truth-telling, integrity, fidelity, stewardship, and compassion."⁸⁹ However, in our desires to be successful in our organizations, when faced with ethical dilemmas, we too often compromise for the expedient and opt for the 'low road' or the "if it is legal it must be ethical" approach.

This survey of the national security agencies' ethics initiatives, however, provided an opportunity to discover some thoughtful people who are leaders in the national security community and who do understand the need for ethical decisionmaking, who are beginning to work to provide the training that all of us need and who may have the stamina to positively change their organization's cultures. The late Senator Paul Douglas noted some 40 years ago that

"....Confucius, who was a prime minister as well as a philosopher, observed long ago that the indirect effects of a statesman's actions were far more important than his direct decisions. If he were corrupt, he encouraged others to be dishonest and hence he seduced them. If he were honest, high-minded, and sought to promote the public good, the citizens would try to be like him. Thus the character of the community would be shaped in part by the quality of the men [and women] who occupied the leading positions of public honor and trust."⁹⁰

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